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| 10/790,627 | 03/01/2004 | Brad N. Mathiowetz | P32.12-0022 | 1342 |

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

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| EXAMINER |
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CHUO, TONY SHENG HSIANG

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| ART UNIT | PAPER NUMBER |
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1795

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1795

Response to Amendment/Arguments

1. The proposed amendment changes the phrase “configured to” to “which”. The applicant also argues that the pending claims describe a battery pack having electrical leads which couple the storage cells to an intrinsically safe hand held instrument. The cited references do not show the claimed invention in the context of all of the claimed elements. This amendment does not change the scope of the claims because of the following reasons. While the limitation “for an intrinsically safe hand held portable instrument” has been considered, it is noted that intended use limitations limit the claims only inasmuch as the prior art must be capable of performing the intended use. As previously stated in the final rejection, the Stafford and Dansui references both disclose electrical contacts that are capable of coupling to an intrinsically safe hand held portable instrument. Therefore, upon further consideration, claims 1-11 and 24-35 stand rejected under the previously stated 103 rejections.

TC

/Jennifer K. Michener/

Supervisory Patent Examiner, Art Unit 1795